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SUBJECT: SANI DISCUSSES ARTICLE 140 WITH DPM ROWSCH SHAWAYS
REF: BAGHDAD 177

Classified By: Political Counselor Yuri Kim for reasons 1.4 (b) and (d)
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¶1. (C) SUMMARY. Deputy Prime Minister (DPM) Dr. Rowsch Shaways welcomed Senior Advisor to Northern Iraq's (SANI) proposal of a major post-election effort to engage stakeholders in an inclusive, broad-based effort keyed to the first phase of the Article 140 process: normalization. Shaways agreed that this effort should not replace the UNAMI High Level Task Force (HLTF), which primarily focuses on confidence building measures (CBMs) in the DIBs areas. He expressed doubt that a census would be possible in 2010, citing fall 2011 as a more likely timeframe. He saw no problem with holding a national census even if normalization had not been completed. Shaways was amenable to a referendum that would confirm a negotiated DIBs settlement acceptable to all parties. END SUMMARY.

NORMALIZATION FRAMEWORK

¶2. (C) In discussion with DPM Dr. Rowsch Shaways on February 7, SANI reaffirmed U.S. support for Article 140, with strong emphasis on need for systematic focus on phase one - normalization - as basis for progress toward political solution to Iraq's disputed internal boundaries (DIBs). SANI sketched out concept of normalization as a multi-faceted process engaging all ethnic and religious groups, as well as KRG and GOI. He also noted the importance of UNAMI's HLTF (on which Shaways represents the KRG) in fostering confidence-building measures on the ground and cooperation between GOI and KRG. Shaways agreed that the HLTF should continue, in order to demonstrate to the Iraqi people that Article 140 was not dead. He welcomed SANI's suggestion of a new post-election focus on normalization that would include all major ethnic and minority groups, as long as it did not compete or replace UNAMI's HLTF. Shaways firmly stated that Article 140 was the only way to resolve DIBs and that normalization must be addressed; otherwise, CBMs would have little effect.

NATIONAL CENSUS

¶3. (C) SANI also reaffirmed U.S. readiness to provide technical support for a national census, and solicited Shaways' opinion on when it would be feasible, both technically and politically, to conduct a census. Shaways emphasized that a new census is essential, as the 1957 census was the last that all Iraqis agree was not manipulated by Saddam. "We need current numbers for many things besides Kirkuk," he declared. On timing, he pointed out teachers and school facilities will be heavily involved in carrying out the census. Accordingly, the best time for a census would be during the start of the school year (in September). He explained that the Council of Representatives (COR) must vote

to hold a census, after which preparations usually take six months. While loathe to accept delay, Shaways was thus skeptical that a census could be conducted in 2010 because in his view government formation will not conclude before August. Thus a September 2011 census, with COR approval voted in no later than March 2011, might be the best available timeline.

¶4. (C) SANI noted that current COR members have divergent ideas about the scope and methodology of a summit. Some maintain, for example, that the census should not ask questions concerning ethnicity or religion, and others want the census to include a pooling of citizens' biodata, including retina scans and fingerprints. The COR would ultimately have to decide such questions. Shaways responded that, theoretically, "one Iraq" was a good idea; however, the reality is that, "There are Sunni, Shia, Kurds, Turkomans and other ethnic groups existing in Iraq, and this cannot be changed." Shaways conceded that "all" entities, including the Kurds, would attempt to manipulate the census, but that accurate information is needed to move forward on many fronts. Shaways agreed with SANI that, while a census taken after normalization might prove more accurate, a census is needed urgently and should proceed as soon as possible. He added that adjustments, or a secondary census, could follow at a later date, if necessary.

CONFIRMATORY REFERENDUM

¶5. (C) SANI observed that an up-or-down referendum on Kirkuk prior to a comprehensive, inclusive process of normalization would be divisive. It would create winners and losers, and there is a serious risk that the "losers" would not accept the outcome. Thus the result would be bitterness, violence, conflict and instability. Shaways agreed, in principle, that a peaceful, negotiated DIBs resolution acceptable to all parties was the best way forward. He agreed that the referendum called for in Article 140 could confirm such a negotiated solution.

¶6. (C) COMMENT. Dr. Rowsh Shaways has told us on many occasions that, on behalf KRG President Masoud Barzani, he came to participate in UNAMI's HLTF in order to define the internal boundaries. We expect him to be a continuing player in coming efforts to address the DIBs. He has been a constructive member of the HLTF, and his low-key personal style is an asset in dealing with the controversial, and often emotional, DIBs issues. END COMMENT.
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